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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,404	10/30/2001	Brian Harrison	100199271	3658

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,404	Applicant(s) HARRISON ET AL.	
	Examiner Nicholas R. Taylor	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 15-22 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☒ Claim(s) 13, 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-22 have been presented for examination. Claims 1-11 and 13-22 are allowable. Claim 12 is rejected. Claims 13 and 14 are objected to.

Response to Arguments

2. Applicant's arguments filed 6/3/2005 with respect to claim 12 have been fully considered but are deemed not persuasive.

3. In the remarks, applicant argued in substance that:

(A) Prior art of Delo does not teach a server instantiated client object which is used to call an executable on the server, as the client and server interact with an active directory.

As to point (A), while the client and server both have interactions with active directory, these interactions are used to look for extension information or other services (Delo, column 13, lines 16-19, and figure 9, item 910.) When the client object calls the executable on the server, it communicates directly (Delo, column 13 line 56 to column 14, line 10, and figure 9, item 906.)

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4. Applicant's arguments filed 6/3/2005, with respect to Policht, in claims 1-11 and 13-22 have been fully considered and are persuasive. The rejections in view of Policht under 35 USC § 102 and 35 USC § 103 drawn to claims 1-11 and 13-22 have been withdrawn.

5. It is made of record that the URL address presented by the applicant in the remarks (see page 10) "<http://msdn.microsoft.com/library/en-us/wmisdk/wmi>" was unavailable. However, the Examiner was able to locate the stated definition at the Microsoft MSDN website.

Specification

6. "Instantiates" is misspelled in the abstract and specification. Appropriate correction is required.

Claim Objections

7. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

8. Claims 1-11 and 15-22 are allowed.

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9. The following is an Examiner's Statement of Reasons for Allowance:

In interpreting the claims, in light of the specification and applicant's amendments filed June 3rd, 2005, the Examiner finds the claimed invention to be patentably distinct from the prior art of record. The prior art does not teach all of the limitations of the independent claim in combination with the other elements presented.

The prior art of record teaches remote installations over a network that includes installing with executable code. The prior art also teaches the use of the Win32_Product class in facilitating these installations.

However, as per claims 1-11 and 15-22, the prior art fails to specifically teach the use of the Windows Management Instrumentation Win32_Process class in enabling these remote installations. The claimed language is viewed in light of the specification and the arguments presented by the applicant, which differentiate between the Win32_Process and Win32_Product class objects. The claims are therefore interpreted to refer to the Win32_Process class located in Windows Management Instrumentation functionality, and not a more general interpretation of an execution process.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

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filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Delo et al. (US Patent 6,418,554.)

12. As per claim 12, Delo teaches a client-server system, comprising:

a server having a device manager that instantiates an object at a client, wherein said object is used by said client to call an executable residing on said server; (Delo, column 13, lines 15-26, and item 86 of figure 4, leading to column 13, lines 33-35 and step 906 of figure 9) and

said client coupled to said server having said executable, wherein once said object calls said executable, said executable is launched on said client and said executable starts and finishes remotely on said client (Delo, column 13 line 56 to column 14, line 10.)

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3718.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas Taylor
Examiner
Art Unit 2141



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER